

**CITY OF TAKOMA PARK, MARYLAND
(ADOPTED 12/13/04)**

**REGULAR MEETING & WORKSESSION
OF THE CITY COUNCIL**

Wednesday, January 28, 2004

OFFICIALS PRESENT:

Mayor Porter
Councilmember Austin-Lane
Councilmember Barry
Councilmember Elrich
Councilmember Mizeur
Councilmember Seamens
Councilmember Williams

City Manager Finn
City Clerk Waters
Deputy City Manager Hobbs
Community & Government Liaison Ludlow
Senior Planner Inerfeld
Public Works Director Lott
Public Works Manager Braithwaite
ECD Director Daines
Recreation Director Haiduven
Library Director Arnold-Robbins
Communications Manager Moffet
Police Chief Creamer
Assistant City Attorney Sigman

The City Council convened at 7:35 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland. The meeting, originally scheduled for January 26, was rescheduled due to inclement weather.

COUNCIL COMMENTS

Ms. Porter announced that Mr. Williams and Ms. Mizeur are attending a meeting of the TPVFD that is expected to end at 8:00 p.m.

Mr. Seamens commented that some people have raised questions about whether the City is taking care of basic services before spending tax dollars on other items. A Ward 4 meeting will be held to attempt to identify basic services.

Ms. Austin-Lane noted that OTBA (Old Town Business Association) will be giving a presentation to Council next week. She asked Chief Creamer to meet with her about crime problems in the Old Town area. Ms. Austin-Lane also noted an upcoming meeting at the Takoma Park Presbyterian Church to discuss storm water questions that residents have raised related to the community center.

Ms. Porter thanked the Public Works staff who have worked to keep streets open and clear of

snow. The multi-day storm has put a real burden on all Public Works departments in the area. Our folks have done a really good job to keep our streets open to motorists. Ms. Porter noted the passing of Ed Hutmeir this past weekend, and remarked about his contributions to the Independence Day activities. Finally, we have heard concerns from a resident about the City's obligations regarding the right-of-way at Colby/Cherry. We have confirmed with the City Attorney that the City can exercise discretion in terms of keeping the right-of-way open to the public. Ms. Mizeur has been taking the lead on this issue.

(Mr. Williams and Ms. Mizeur arrived at 7:42 p.m.)

Ms. Austin-Lane noted that she is just seeing the legal opinion tonight and has not had the opportunity to share this with the resident who raised the question. She commented that she would have like to have been informed about the opinion, and would have also asked about the County permitting process and requirements.

Ms. Porter said she was directly challenged by the resident and wanted to clarify that the City was not obligated to enforce this. She took the lead in making sure that the community was sure to understand the legal issues.

Ms. Austin-Lane said she also wanted to have the City Attorney review the legality of the new fence.

Ms. Mizeur noted that Mr. Trunk, the property owner, is working on opening the gate to allow access from both sides. She has contacted the City Manager to discuss permitting issues. She had asked for the Council's grace in allowing for some community discussion in her ward related to this right-of-way and the trail access.

Mr. Williams noted the passing of June Alois, another Independence Day volunteer. He commented on the great loss to the community and encouraged residents to step up and volunteer for Independence Day planning activities.

PUBLIC COMMENTS

None.

REGULAR MEETING

1. Single Reading Ordinance re: Carroll Avenue Streetscape Project. (Mr. Inerfeld, Maryanne Keriner, Senior Project Manager).

Mr. Inerfeld announced a community workshop that will be held during the week of February 17. He will post the date/time of the meeting. The project looks at redesigning Carroll Avenue between the fire station and the DC line. There will be two community workshops open to the entire community. Designs and information will also be posted to the web site.

Ms. Austin-Lane thanked KCI for bidding on this project, noting that they were involved in the fire station renovation. This project should help to make the area look contiguous and unified. Noting that the project has time and cost constraints, Ms. Austin-Lane said she hopes that KCI will work with the community to identify the things that are out of the realm in terms of cost constraints. She thanked Rob Inerfeld for his very thorough work on this project. She asked that Council be e-mailed about any information that is posted to the web site.

Ms. Porter noted the revised ordinance in the package.

Mr. Inerfeld explained the increase in the ordinance. They worked on a detailed proposal that would include the area between Columbia and the DC line. It was only about \$10,000 more than estimated by staff.

Moved by Austin-Lane; seconded by Williams.

Ordinance #2004-4 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

ORDINANCE #2004-4
(Attached)

2. Resolution re: Health Care for All Plan.

Ms. Mizeur commented on the resolution to support the Maryland Health Care for All Plan. We want to expand coverage and access to health insurance. Many cannot afford the cost of insurance or work under employers who do not offer insurance. This plan attempts to address these issues. The plan would create a new class for the uninsured and lower income persons. It also encourages bulk purchasing of prescription drugs. The plan proposes to keep Care First / Blue Shield a non-profit entity. One way of paying for this is an increased State tobacco tax of \$0.50/pack. This resolution will be non-binding, but it would help build momentum. It is the Council's way of saying that have looked at the plan, that we support it; and, we encourage the legislators to support the plan.

Moved by Mizeur; seconded by Elrich.

Mr. Elrich noted that Council took a position on the sale and conversion to for-profit of Care First / Blue Shield last year and the previous year we took the position on the State's original plan of this kind. This would put virtually everyone in the insured category. It would take a lot of burden off the hospitals. It is consistent with the kind of thing that we have been doing in the City. The City deals with the increasing costs of health care. There are many businesses in the city and state that are faced with the implications of increased health care costs. He said he hopes that this legislation helps get Maryland on the way toward addressing this issue.

Ms. Austin-Lane said she is also happy to support this resolution. It builds a grass-roots effort to bring this to bear on the State. The State has shown leadership by squelching plans for Blue Cross / Blue Shield to convert to for-profit. She supports it.

Ms. Porter also expressed support. She suggested that a cover letter be written to our State representatives to accompany the resolution.

Council concurred.

Dr. Deborah Schulman commented that she has been working with the initiative for the last few years. She noted that 40% of bankruptcies come from people who do not have health insurance. She commented on the huge burden on hospitals. The lack of insurance is wrecking health care institutions. Dr. Schulman said that about 1,100 endorsements have been obtained thus far. She noted that the City's district is not yet among the supporters.

Resolution #2004-7 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

RESOLUTION #2004-7
(Attached)

3. 2nd Reading Ordinance re: Chapter 1. General Provisions and Chapter 2. Administration.

Mr. Sigman suggested one change that the Council might consider. "Effective in 20 days unless stated that it becomes effective immediately."

Moved by Williams; seconded by Barry.

Ordinance #2004-3 adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Mizeur).

ORDINANCE #2004-3
(Attached)

WORKSESSION

4. FY04 Council Goals.

Ms. Porter said commented that for the past several years the Council has been establishing goals for each upcoming fiscal year. The Council generally sets five to seven broad goals and then sets objectives within the goals. Tonight we are getting an update on the current goals/objectives. Next week, we will get a related presentation about where the budget monies go. The week after that, the Council will get an opportunity to set the FY05 goals.

Ms. Ludlow noted that the goals are the basis for the proposed budget and CIP each year. They are very important to the staff in directing our workplans. Components of the objectives are specifically written into workplans. They are watched carefully by superiors as they are perceived as priorities of the City. The information we have tonight reports on accomplishments and things that we hope to accomplish before the end of the fiscal year. Staff directors are in the audience. The last time staff and department heads met to discuss the goals, we realized that we have made tremendous progress on the goals. Internally, it feels good to present what we have to date. We will note the items that we do not feel we can accomplish this year. Under affordable housing, all of the objectives are underway. We have not yet held the Homebuyer Workshop. Staff feels that we may be able to accomplish that. However, staff understands that the capacity building is the greater priority. Affordable Housing has been well incorporated into ECD

Mr. Williams asked what is the affordable housing reserve?

Ms. Daines said that it is her understanding that several years ago the City purchased a property. When the property was sold, the proceeds were reserved for affordable housing initiatives.

Ms. Ludlow continued. The Broadening Citizen Involvement goal involves a hodgepodge of activities and web page improvements. This has really taken off this year. Now we have a communications office established. It is working hard to take the components of this goal and put it into a coherent strategy. We appreciate the interest of Council on this goal and the ideas that have been shared about how to implement it. We will soon be going forward with an RFP on a citizen survey. One item that is not in here is the ESOL program. The teacher of that program has asked that the program be postponed until the community center construction is completed.

Mr. Seamens asked if space was the issue.

Ms. Ludlow said there were logistical issues with parking, noise, etc.

Ms. Austin-Lane commented that the teacher has been offering the program in the mornings before the Library is open. She communicated with her that this needs to be offered in the afternoon. It is not possible in the Library or Community Center.

Ms. Ludlow said she will ask the staff and provide more information. The Film Festival has again been successful. With respect to the City Image goal, she commented on the streets survey, preventative street maintenance program and the multi-year resurfacing program. The development of the sidewalk installation program has been slowed because of need for a new City Engineer. Cuts to the SHA budget have also had an impact..

Ms. Porter said the main thing holding the sidewalk program back was the funding.

Mr. Lott commented that we have \$30,000 to start the program. We are waiting on to hire the engineer. The former engineer identified ten areas to target. There are some areas where sidewalks do not presently exist. We have a list and will work with those neighborhoods. Also, we are looking to continue the Ethan Allen project; if SHA does not finish the work we may have to complete that project.

Ms. Ludlow addressed the Community Center Project. Staff time and funding has been tremendous. She noted the work of residents on this project. Construction is ongoing. An update is planned in the next few weeks. In the next year, the focus is less on construction and more on programming issues. She noted greater participation in recreation programs. Space has become an issue. We have three major programming events planned for the year.

Ms. Porter asked if we are meeting the demand for after school programs.

Recreation Director Haiduven said she has worked hard to determine the need. We are still doing outreach to the different wards to identify the needs for various programs. We hope to use the special events to meet different communities and explore their needs. The question is how to draw them into our programs? Ms. Haiduven noted that she continues to track program attendance as part of the budget information process.

Ms. Ludlow said, Community Oriented Policing is a major commitment by the City.

Chief Creamer said we have implemented a partial plan. The COP team continues to get oriented. They will focus on visibility in the community and traffic enforcement in the beginning.

Ms. Porter said she is happy to hear about traffic enforcement.

Mr. Seamens said the overall effect of COP is to reduce the need for traditional policing. We will have to divert people from traditional policing to implement the program. It is important for the community to accept this fact.

Chief Creamer said it has been about five years since the City had its previous COP team. She agrees with Mr. Seamens' comments. She thinks the new team will be just as successful but will take some time. Everyone will have to be patient.

Mr. Barry said he hopes that once the program is rolled-out it will not, again, be rolled-back.

Chief Creamer said she will “never say never” but can say that we have a good retention program in place. She is optimistic that they will be able to maintain numbers. What was contributing to the delay of COP implementation was that in addition to the five vacancies, they had a number of officers out on injury leave. Some have not returned to duty. We are working to protect the COP team members from being called to regular patrol duty, but there are some instances where they will need to assist with patrol.

Mr. Barry asked if we have in place a communications plan for the roll-out of the COP plan, including messages to the community about the program and opportunities for residents to meet with Chief Creamer and the COP team.

Chief Creamer noted some of the meetings held so far. We have not decided yet to launch an all-out campaign for this program because we want to assess the team’s approach to meet the needs of the community. It is important to move forward with the survey to hear about the overall perception of the community with respect to public safety services. We want to know exactly where we are to be able to measure progress.

Mr. Finn said there is money in the budget to proceed with community survey. We want to accomplish getting a baseline of where people see public safety services (among other things). We would then follow-up after a period of time. The issue is scheduled to come to Council in near future.

Mr. Elrich said the good news is that the department is approaching full strength. We would like some regular reporting of crime statistics, broken down by category and ward.

Chief Creamer said in terms of a regular update/report to the Council, it would not be a problem. She could provide information on a monthly basis. We report our crime stats to the State and FBI on a monthly basis. We also have quarterly crime reports that are prepared, as well as a year-end crime report. We just completed a year-end report and overall crime is down. It gets a little trickier when you ask that it be broken down by ward. It would require a member of staff to devote considerable time to prepare this break-out.

Mr. Elrich said we would be happy to have it by police beat.

Mr. Barry asked about disposition rates. Is it possible to generate that kind of information?

Chief Creamer said it is possible, but a staff member would have to redact certain information that is included in the reports.

Chief Creamer said she could enter some parameters in the system and do a search on certain crimes (narrowed to a specific police beat). There is a certain margin of error because of human error. If we have a particular request about a specific crime, we could provide a response and

see if that meets your needs.

Ms. Porter said she thinks this comes out of public question about whether we are solving crimes. We have raised this question in the past and get the response back that crimes are not necessarily solved by Takoma Park Police.

Chief Creamer said if we take the original stolen auto report and another jurisdiction makes the arrest, we don't get credit for the recovery.

Mr. Seamens asked for an agenda item to be scheduled after the budget process to define the information that we would like to have reported to us.

Ms. Porter agreed.

Mr. Williams said, in addition to the specifics about a single report, it would be helpful to have a general sense of the resolutions to the cases/reports. It would encourage residents to make reports.

Chief Creamer said the department puts an emphasis on reports for that reason. She noted the information that is included in the crime blotter.

Mr. Seamens said he appreciates what looks like a cautious and seemingly well planned approach to COP.

Chief Creamer said she thinks they have identified the right people for the team. We had residents who served on the selection panel. They have listened to feedback from the community. We have a list of expectations about what COP should look like in the City. We did not rush into anything. We are here to deliver the service and protect the community.

Ms. Ludlow commented on the Old Town Parking Facility, Enterprise Zone designation, OTBA (Main Street Application), and the focuses on transportation and pedestrian safety issues. She recognize that these are large areas where we will continue work (e.g., the Washington Adventist Hospital). She noted the Wayfinder/Gateway program; and that the installation of signs will not be completed this year.

Ms. Ludlow noted that the Flower-Piney Branch parking facility is not proceeding as originally conceived. We have staff working with the community. The facade program has been slowed somewhat because of an internal software implementation. The property maintenance program should be running by the end of the fiscal year. We have a property maintenance video that has been aired on cable. She commented on another initiative that was delayed and will be discussed in the upcoming budget process.

Ms. Ludlow said she recommends reducing the number of goals. Overall, there are some strong pushes that cannot simply be folded into normal workplans (e.g., communications,

transportation/pedestrian safety, community safety). From a staff perspective, we see these things as “givens.” We see the construction around us as a constraint to doing our jobs. It will be more difficult when the construction work moves into the building. We know that money will be tight. We need to prioritize. We will have a new City Manager and the staff changes that go along with that.

Ms. Porter commented that the presentation was very helpful and effective.

Mr. Williams said he likes this format for presentation and appreciates the highlights. It was a little difficult trying to not get stuck on the old language in the materials. Not so much that it was in there, but the disparity in some of the language looking that it had been revised and in other places looking a year out-of-date. Also, he noted that in some cases, it got pretty specific about costs (outsourcing) but when dealing with staff time, the costs were related in terms of “hours.” He wonders whether we could better identify staff costs.

Ms. Ludlow said the Council will see some of that next week.

Mr. Williams said he wants to know when/where the staff assigned cannot be tasked with more work without added cost (e.g., in case of a management position, added hours just works the person more but does not cost more “time”). It is helpful to know the impact of the workload directed by Council. He wants to know where there is really a pinch and when there is not.

Ms. Ludlow said it is not always easy to respond to. She explained how the Council goals help in setting priorities. She needs to know what is critical.

Mr. Williams continued, saying, to the extent possible, you should be a little more proactive in letting the Council know when things do fall-off because of various reasons.

Ms. Ludlow agreed. Again, it is part of what we want to address through the communications function.

Mr. Barry suggested looking at the percentage of a project that is accomplished. You might consider creating a category for performance measurements. It is hard to ferret out, but they are good management tools.

Ms. Mizeur echoed Mr. Williams’ and Mr. Barry’s comments. Staff does a wonderful job of doing a lot of work. The document could be better written to express the amount of work that is being done. She suggested more of a chart format that would include justification of expenditures. They need something more unified across the categories in terms of what is deemed a cost and the program success. For the next week of City services, it would be helpful to include a discussion of services that if we did not perform, would be done by the County. Also, it would be helpful to know which services are related to rebates.

Mr. Barry agreed. He would also like a list of available pots of money. What is required to get

the dollars?

Ms. Ludlow said she was not sure that she can provide this information for next week but it will be discussed in the course of the budget.

Ms. Porter said there are a number of dollar sources that we receive each year, and they are discussed in the budget process. It is a good suggestion to incorporate it in the budget presentation.

Ms. Mizeur asked if it is standard procedure for staff to give feedback on what has worked well in terms of previous years' goals, in terms of types of projects, feasibility (cost and staff resources), etc?

Ms. Ludlow said there is some back-and-forth. In two weeks, we want to hear your thoughts about FY05 goals. We will go back and look at your suggestions and provide feedback.

Ms. Porter said she will schedule a discussion for the future about reporting on crime statistics. At some point in the future, we will have a discussion about the communications office once it is up-and-running. She thanked Ms. Ludlow and other members of the staff who are present to provide information on these goals.

BREAK

The Council recessed for a scheduled break at 9:11 p.m. Reconvened at 9:26 p.m.

5. Proposed Ordinance Revisions.

Assistant City Attorney Sigman explained the proposed technical changes. (1) Amendment to the Code establishing COLTA to change the membership requirement from 12 active members to "7-12 active members." The purpose is to provide more flexibility in terms of establishing a quorum. Recently, we were down to seven commissioners. The Circuit Court informed us that would still need six commissioners for a quorum even if only seven active commissioners were appointed. We want to leave the number at 12 because COLTA is a very busy commission. (2) Amendment to Chapter 12, Trees and Vegetation, to add language expressly stating that a violation of the tree protection plan is a Class A offense. Although it can be inferred from the present language, it would be better with the amendment.

Ms. Porter said the item will be scheduled for a vote in the next couple of weeks.

6. Option for City to Purchase Wind Generated Electricity.

Deputy Public Works Director Braithwaite noted the interested parties in the audience. The proposal came to us from Albert Nunez who has worked long and hard on energy efficiency issues. He had been contacted by the wind power provider. This is a very low cost opportunity. The offer we have on the table is 50% of the normal charge. One of reasons that they can provide the power at this low charge is because the cost is based on wind generated electricity in the previous year. She explained the pooling of electricity. Wind Current is generating wind generated electricity for its buyers. We have been offered \$0.011 per kilowatt hour. She remarked about the city's use of power, annually. The interest of some of the folks who have worked on the issue for some time, was to have the City continue its support of the reduction of greenhouse emissions and wanting the City to be out in front with this initiative. We have been out front with other opportunities. It comes down to a matter of dollars. To use wind energy is more expensive than other types of electricity that we have available to us at this time. Also, we wanted to note the City's joint electricity purchase with the County. The contract is about to be re-let. The current contract ends in June. We have been a part of the purchasing group for about two years. We would recommend that the City remain in the purchasing group. The County contract is going to require for the first time that the supplier provide a base of 5% of wind generated power. Wind Current would be willing to discuss extending their contract beyond the six-twelve month period. She noted some questions that were forwarded via e-mail and provided information about our current energy costs. She does not have any experience with the vendor, but said she has no anxiety about whether they would be able to fulfill their obligation in the agreement.

Mr. Elrich asked how can you purchase electricity that has already been generated?

Ms. Braithwaite replied that the power has already been generated and been put in the pool. In terms of the corporation's spreadsheet, they are trying to reconcile how the power has been paid for.

Ms. Austin-Lane asked for clarification about the cost.

Ms. Braithwaite said if we were to purchase wind energy for a percentage of our use, it would be on top of our contract with our standing contract. This would be additional money.

Mike Tidwell said we would have a relationship with Washington Gas for general services and a separate relationship with Wind Current that would be an additional service. The more municipalities and individuals who buy the wind credits, the more wind farms that get built. The wind power has already been generated, but the credits have not been purchased.

Ms. Austin-Lane asked why can't we require Washington Gas to buy wind power?

Ms. Braithwaite said, in part, political pressure causes this to happen. She noted that this year's County contract will include the 5% requirement for wind power.

Ms. Austin-Lane said she is eager to support this, but if there is not some clear way that it makes sense for the City, there are some questions remaining on the Council about the proposal.

Ms. Porter said there are two ways to think about this. Electrons are put in at one end and pulled off on the other end. Over time, the more you pay for wind power the more that gets put in from the front end. There is also another way to look at this. By paying a premium for wind power, we are also making it possible to develop more wind power in the future. We would be investing a small proportion of City resources to encourage development of wind power.

Mr. Seamens said we are being asked to invest in an industry in terms of intangibles (cleaner air and expanding industry). It is a no-brainer. It is an opportunity for the City to walk-the-walk. We are talking about a relatively small amount of money.

Ms. Braithwaite clarified that to add a layer of tangibility to this proposal, we are in a severe non-attainment ozone area. This is related to transportation dollars. The Washington Metro area is in danger of losing federal dollars. Green power was missed on the balance sheet. Now they are aware that purchase of wind power bought within the wind-shed, can get credits toward implementation plans for emission control and ozone reduction. We don't get transportation dollars per se.

Mr. Williams said he feels between a rock and a hard place on this one. Philosophically he does not want to go there. He recalls the times when he tried to reduce the costs to do the right thing. With this, we are talking about increasing our costs to do the right thing. He has reservations about spending the money in this way at this time.

Mike Tidwell said, MC will be getting 5% wind power over the next five years. It will cost about \$5M. The City will be paying for a portion as part of the energy consortium. The County anticipates efficiency gains through education efforts. He suggested that the City come up with an efficiency program that would save us the \$10,000.

Ms. Mizeur said it sounds like you are asking us to make a contribution to the wind farm industry. This would not change the type of energy that comes into the City or what we pay for. There is a policy issue here. Another idea would be to set up some local tax credits for individuals to make the purchases (that would off-set tax dollars).

Mr. Elrich said he has the same concerns as expressed by Mr. Williams and Ms. Mizeur. We spent a good amount of time researching wind power. Wind power is a supplemental power. Maryland is going to continue with the number of coal plants and mining the same amount of coal, regardless of wind farms. He would like to know how many acres a wind farm takes and how many acres would be required to provide energy for Maryland. He said that has seen wind farms. It is not appealing to see mountain tops cut off for wind farms. He said he would like to see the statistics about what it would take to support a reasonable amount of wind electricity.

Mike Tidwell offered to provide more information.

Mr. Elrich said he is not persuaded that this will have any effect on Washington air quality. I do not object to buying some wind power, but we should not overstate the effect.

Albert Nunez commented that the City would be taking a leadership role.

Mr. Elrich asked if this wind power purchase would effect the County contract.

Ms. Braithwaite said it will not affect the contract with the main contractor. In terms of a “sell”, from a policy and past perspective, the Council has been very active in supporting energy efficiency. This proposal gives us an opportunity to purchase energy at a lower price.

Mr. Williams asked if it would be a recurring cost.

Ms. Braithwaite said the Council would have to take action on extensions of the purchase contract.

Mr. Seamens asked if this is a one-time purchase.

Mike Tidwell noted that he was here before the Council with respect to the corn silo. If the City were to buy 100% wind power, it would get incredible media attention.

Mr. Barry suggested that since the County is already going to buy 5%, we declare that we have purchased that amount of wind power.

Ms. Austin-Lane asked for clarification. The proposal equates to?

Ms. Braithwaite said it is about ½ of our use for 6 months.

Ms. Porter asked for clarification. The numbers provided are for actual costs. The point made about budget considerations is correct. However, at the same time, the City has traditionally been out in front on environmental issues. Wind power is not perfect, but all it has to do is be better than what is out there right now. It would be difficult to overstate the poor quality of our region’s air. She said she hopes that the City will continue to purchase vehicles that promote better air quality. She suggested that the Council consider doing something significant that may not be 100% of all our power. The City could pay a premium for 50% of the energy use.

Mr. Seamens supported Ms. Porter’s comments. It is important for the City to take a stand even in times of budgetary constraints. He thinks this is important to the City and its residents. He proposed the purchase of 100% of the power for municipal building.

Ms. Austin-Lane commented that we have made environmentally supportive decisions in the past. This is consistent with the hybrid vehicle purchase that we did. It was more expensive but it was the right thing to do. We could use an evaluation of our energy strategy. We should raise awareness of this. She said that she signed up for 100% of renewable energy for her home and

has not noticed a significant increase in her bill. By going forward with this proposal, we would be offsetting our use of dirty energy in the past year. She suggested that we approve this for 6 months and then re-evaluate how we use our energy.

Ms. Mizeur suggested that rather than just doing a contract for \$5,000, set up a fund with the same amount of money and give a 75% match to any resident who purchases the wind power. Let's think about doing this in a way that leverages getting more resources.

Ms. Porter said doing this does not preclude us doing other things to raise public awareness. She would be a little concerned about setting up a new program.

Ms. Austin-Lane asked if this might be something that we should explore some more.

Ms. Mizeur suggested we go ahead and approve and then explore other options later down the road. She said she would prefer to approve the purchase knowing that citizens are willing to contribute their part to make it happen. She agrees with concerns about the larger question of setting up a program.

Ms. Porter clarified that her point is to say that the two proposals are complimentary.

Mr. Elrich said he did not think that the Council could establish both by the February deadline. He would like to know whether the company would be willing to extend this price for later in the year. If we wanted to run a City program, would the company agree to extending the same rate to individual residents?

Ms. Porter said this raises an interesting question. Could we act as an aggregator for this?

Ms. Porter said her suggestion is that we explore this a little further. It is an interesting notion. There is nothing in the law that says we cannot aggregate.

Mr. Elrich said, if the City does a contract, would the company give the citizens the same price?

Jim _____ said the economy of scale would be lost in selling to individuals.

Ms. Porter asked how the Council wants to proceed. She noted her suggestion to go with 50% of all power proposed, and Mr. Seamens proposed 100% of the City building, and to explore the aggregation on top of the city's purchase.

Ms. Austin-Lane said she would support either.

Ms. Braithwaite said the ordinance would specifically relate to the City's purchase. This other concept would not be detailed in the ordinance, although the Council could have the discussion.

Mr. Seamens said, it does not need to be in the ordinance, but the Council agreement to the

ordinance might be related to the decision on the concept.

Mr. Williams said, in terms of politics, it would be better to go with 50% of “all electrical use.”

Mike Tidwell said we should look at doing this permanently.

Ms. Braithwaite said we may want to make our commitment to “renewable energy” versus wind energy.

Ms. Porter said she is getting the sense of the Council. She hears a consensus of 50% of a year’s worth of energy usage in FY04.

Mr. Williams said it would be based on a calendar year.

Mr. Elrich asked where will the \$10,000 come from.

Mr. Finn said he can find the \$10,000, but if it becomes an on-going cost, we will need to find way to continue to fund. After next week’s presentation, Council will have a better sense of the cost for City services. He noted the commitments that have already been made out of the undesignated fund monies.

Ms. Porter said the Council can only make a commitment for the current period of time. She will have to put this in context of the budget discussion for future funding.

Ms. Mizeur said as much as she loves the environment, she has to go back to the discussion of the Tool Library. Because this purchase of \$10,000 is a contribution to a cause that we might support, it does not give us a savings in energy that we use in the City. It is very important to be cutting edge. But we should find a way to have our residents’ dollars help leverage the investment. This is a worthy political statement, but we have to acknowledge our tough budget situation. We may have a hard time selling this to proponents of the Tool Library, when we cannot find \$12,000 to fund the Tool Library but we can find \$10,000 to fund a political statement.

Ms. Porter said she would prefer extending the funding for Tool Library through the end of the fiscal year. All of Ms. Mizeur’s points are important.

Mr. Seamens agreed that Ms. Mizeur has brought ups some important issues. One important point is the idea of leveraging resident participation.

Ms. Braithwaite said she shares some of the concerns; she has been involved in preparing budget scenarios.

Mr. Elrich said he would feel better if the City were to buy real electricity.

Ms. Braithwaite said the cooperative purchase would be done in the same way. Wind is only sold as credits.

Mr. Elrich asked if the City were to buy wind at current prices what would it cost?

Albert Nunez said he will get that information.

Mr. Elrich said he thinks that the special session on this item next week should come after the presentation on City services.

Ms. Porter said she will go ahead and make the change to the agenda. The on-going purchase would be discussed as part of the budget. The ordinance would be for the one-time purchase. The additional information requested will be important to some councilmembers in their decision but would not be incorporated into the budget.

7. Development Guidelines.

Senior Planner Rob Inerfeld gave a presentation of current guidelines. Staff looked at all of the regulations that affect development in the City (local, County and State levels). We then categorized the guidelines into principle themes that cross guidelines. They included: County Master Plan, Zoning Ordinance, Smart Growth, Guidelines for Creating a Sustainable Environment (COE), Affordable Housing Plan, Targeted Area Plans, Facade Ordinance, Tree Ordinance, Stormwater Management Ordinance, and other guidelines that pertain to development. He explained the processes that are used to review and evaluate some of the development plans that come through the City (e.g., site plan review, mandatory review). He reviewed some of the opportunities that the public has to weigh-in on development proposals. He commented on the staff recommendations about how they might improve the development processes in the City.

Ms. Porter noted the discussion that the Council is prohibited from having its own zoning authority, something that is managed by M-NCPPC. We currently save ourselves a lot of staff time by not having the administrative burden of some zoning authority processes (e.g., special exceptions and variances). For other processes, we might be interested in some approval/discussion authority. Right now, we have a role in site plan review. Are there other areas of opportunity?

Mr. Elrich said he wants some information from Rockville and Gaithersburg about how their authorities work with respect to staff time and resources. He said he was skeptical about having zoning authority, but the actions of the County and County Executive in gutting a lot of the zoning controls encourages him to look for more authority. The standards set by the County are more to please development interests versus the protection of neighborhoods. We should urge the County to put back in place controls on traffic impacts. We need to influence the County process and also to consider things we can do locally.

Ms. Porter noted that when we looked at the WAH expansion proposal we used our own traffic standards, and we can always make a decision to set our own standards. To a certain degree, no matter what we do in the city, it will not have an effect on some things. Part of the approach should be to address the issues with the County.

Ms. Austin-Lane replied, going back a couple of years when this topic was first being discussed, her problem was that staff was coming forward with proposals but they did not have a “critical eye” based on the City’s values. Maybe because of the lapse in time, there is a distance in the original reason for having this discussion. That said, she said she thinks this comprehensive look is important. She is not interested in the City taking on zoning authority. She would like to see our staff, across the board, know the City’s orientation toward development projects. The Council could have the authority to make exceptions to the City’s policy guidelines.

Mr. Williams said his recollection for the impetus was that we felt we needed to be more proactive and less reactive when projects were brought forward, and we could only do that if we had held discussions before a project came forward as a proposal. He wanted to talk to staff and residents about what we are looking for in an attempt to head-off the reactive process. He would like to provide City and County staff with a list of guidelines that would characterize the types of things that we would like to attract.

Mr. Inerfeld said Parking and Planning does that in a passive way by examining the Master Plan. We might explore some type of brochure or web site information that states what type of development we embody.

Mr. Seamens said he was a member of the Master Plan Advisory Group at the time of the last revision. The master plan gives a lot of guidance without being overly restrictive. The hospital expansion is another example of where the community had a lot of input about what they wanted to see in that area – input that would have been a lot more helpful to hospital planners if it entered earlier in the process.

Ms. Porter asked Ms. Austin-Lane, what kinds of things were you thinking of in terms of standards and guidelines?

Ms. Austin-Lane replied, historic preservation, tree preservation, etc. It would boil things down versus referring to the larger documents (e.g., ordinances and Master Plan).

Mr. Seamens said, he thinks of it as a “vision” (brings to mind the New Hampshire Avenue corridor). By sitting back and waiting, we may end up with things that we do not want.

Mr. Elrich said he sat on one of the earlier Silver Spring Sector Plan Committees and there was a conscious discussion about the types of businesses that were desired in different parts of the area. Maybe, this is the level of specificity that we should have for areas in the City.

Ms. Austin-Lane asked if we shouldn’t get technical expertise to assist staff with this effort?

Mr. Seamens said he thinks that this is something that we need to discuss as we proceed with discussion of Council goals.

Mr. Elrich said in the planning process, the staff plays a minor role. It is more a community discussion. We should not be bending to the commercial interests. We need to identify what the neighborhoods want to see.

Ms. Porter said she is hearing two different things (1) vision of commercial areas – uses, and (2) codification of community values – historic and tree preservation. We need to clarify what we want. She thinks that coming up with a vision for commercial areas is important. She noted that we have come up with several plans for Takoma Junction over the years, but have not been able to see the development move forward. There was a vision in Silver Spring that got implemented by the developer himself, based on what he thought was commercially viable.

Ms. Austin-Lane said we have seen success with the CDA and OTBA with matching ventures. She thinks that the government had a leveraging role in the Silver Spring development project. It takes a partnership to get it right.

Mr. Seamens said it takes vision and leadership in the beginning to get what we want.

Ms. Austin-Lane said business people have vested concerns in their own areas. Ms. Porter is right. We have different discussions going on (i.e., general principles and focused development visions).

Mr. Seamens said, we need to have specific visions.

Ms. Austin-Lane commented that we cannot have a vision for all of the commercial areas.

Mr. Seamens added that we can facilitate those community discussions.

Ms. Porter noted that the Takoma Junction process included everyone. What held the Takoma Junction plan up was the development size and lot constraints.

Mr. Inerfeld said he understands that the Food Co-op may be interested in expanding to the City's lot.

Mr. Barry said, there are places where principles and economic development intersect. He remarked about outdoor seating and dining.

Mr. Inerfeld agreed that having more people outside in a business district adds a whole other aspect. Is there some way to get feedback on the themes that we put forward tonight?

Ms. Porter said she hears the question, do the themes encompass all of the guidelines that we would like to include?

Ms. Austin-Lane said, in general, she likes the themes. We might want to consider what mechanism we will use to put the themes in place (e.g., resolution).

Ms. Porter said, if we give staff direction that the themes are a good base for discussion, staff would later bring them back with guidelines. We do not want to lose the notion Mr. Seamens put forward about being proactive. We need to be more proactive than in the past when it comes to design work.

Mr. Inerfeld said we have had some staff level discussions about setting up a planning process that looks toward the future of the Takoma/Langley area. We could bring back some ideas about initiatives that we could take on. There is a staff capacity issue which can be discussed in the context of Council goals.

Ms. Austin-Lane said she would like to take the goals and put them in the form of guidelines to be adopted by resolution. She would like to see this resolved fairly soon.

Ms. Porter said, there is a continued discussion scheduled for March 1. We want to discuss each theme separately. Council should be comfortable with the themes before inviting public comments.

ADJOURNMENT

The Council adjourned at 11:36 p.m.